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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,901	09/12/2003	Paul J. Wyser	KEL 006 P2	7410
34232	7590	02/17/2006	EXAMINER	
MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419			ALEJANDRO, RAYMOND	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,901

Applicant(s)

WYSER, PAUL J.

Examiner

Raymond Alejandro

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/12/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 01/26/04 was considered by the examiner.

Drawings

3. Figure 1a and 1b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The disclosure is objected to because of the following informalities: conjunction word "If" in paragraph 0035 is not complete.

Appropriate correction is required.

7. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. The preliminary amendment of 09/12/03 does not introduce new matter into the disclosure.

Claim Objections

9. Claim 19 is objected to because of the following informalities: the term "batter" is missing one letter. It should read "battery". Appropriate correction is required.
10. Claim 16 is objected to because of the following informalities: applicant is respectfully required to review the claim language "*wherein an electrical connection can be tightened*

mechanically is formed between” for grammatical correctness. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claim 1 recites the limitations "one contact connection" in line 4 and "a connection" in line 6. There is insufficient antecedent basis for this limitation in the claim. Since claim 1 recites twice the same base limitation "connection", it is unclear as to what specific "connection" the dependent claims are intending to recite. It is suggested to employ more concrete language such as "first contact connection" and "second connection" or the likes so as to better clarify the claim language. *For example, the recitation "the connection" in claim 12 renders the claim unclear because it is uncertain as to what specific connection is instantly intended.*

14. Claim 16 recites the limitations "contact connections" in line 3 and "an electrical connection" in line 5. There is insufficient antecedent basis for this limitation in the claim. Since claim 1 recites twice the same base limitation "connection", it is unclear as to what specific "connection" the dependent claims are intending to recite. It is suggested to employ more concrete language such as "first contact connection" and "second connection" or the likes so as to better clarify the claim language.

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15. Claims 5, 13-14 and 20 are indefinite because the language “*so that the housing is floating*” and “*is floating relative to said plurality of pins*” render the claims vague. It is uncertain what is specifically meant by “housing is floating” or “is floating” in the context of the claimed invention, particularly, when is instantly claimed that all battery components are mechanically tightened.
16. Claim 6 recites the limitation "the broadened area" in line 3. There is insufficient antecedent basis for this limitation in the claim.
17. Claim 16 recites the limitation "the contact connectors" in line 6. There is insufficient antecedent basis for this limitation in the claim.
18. Claim 17 recites the limitation "the electric connection" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
19. Claim 18 recites the limitation "said screw connections" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

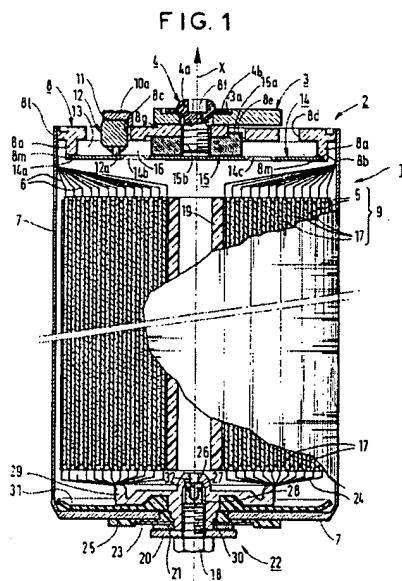
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Souliac et al 6399237.

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Concerning claims 1 and 16:

Figure 1 of Souliac et al illustrate battery cell 1 comprising a container in the form of a cylindrical can 7; and at least one alternation of positive electrode, negative electrode and separator wound in a spiral form (COL 3, lines 53-63). Souliac et al disclose that the end of the cell incorporate the negative terminal 22; wherein blades 24 are connected to the negative electrode and welded to a connecting part 29 which is in contact with a screw 18 which immobilizes a nut 20, and two washers (COL 4, lines 1-16). Included is also a screwthreaded housing 30 at the center of the connecting part 29 providing access thereto. All that is then required to make the electrical connection to the outside of the cell 1 is to accommodate the screw 18 in the external part of the housing 30 and to collect the current from the screw 18 by any appropriate means (COL 4, lines 1-16).



Additionally, it is disclosed that an electrical connection member 3 external to the cell 1 is fixed to the cover 8 at the end 2, the two parts 8 and 3 being fastened together by clamping means using a nut and a screw 4 external to the cell (COL 4, lines 40-52). The screw has a head

4a and ring inserted into the housing. The cover also includes a screwthreaded opening 8f accommodating part of the screw (COL 4, lines 40-52).

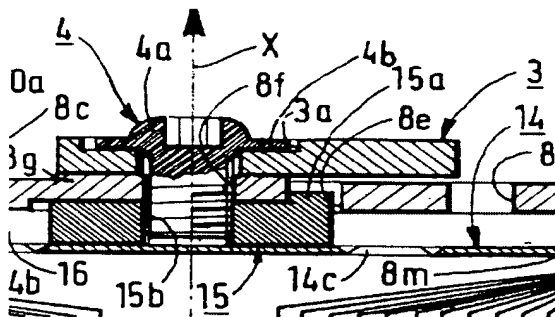
Note: In this instance, it is noted that the two screws (first and second pins) are electrically connected as instantly claimed and they are tightened mechanically.

Concerning claims 2-3, 12 and 17-18:

. Souliac et al use screws themselves or screw-based connections to connect the battery (COL 4, lines 1-16/COL 4, lines 40-52/ See FIGURE 1).

As for claims 4, 9 and 19:

Furthermore, the cell of Souliac et al also comprises a nut 15 which also provides electrical connection and mechanical stability to the screw on the positive electrode side (See FIGURE 1). Souliac et al disclose that such a nut is a nickel-plated steel element (COL 4, lines 40-45). *If feature 15 represents the contact board, thus, as seen above in the enlarged portion of Figure 1, feature 15 is arranged in a depression in the housing.*

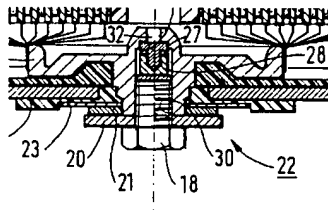


Concerning claims 5, 13-14 and 20:

As illustrated in **Figure 1** above, the cell of Souliac et al at least comprises two screw (pins) in electrical connection with the electrodes thereof (See FIGURE 1).

Concerning claim 6:

Enlarged portion of Figure 1 below depicts the screw 18 being in the form of a small tube (See Figure 1). *Additionally, it is apparent that the tube form of the screw per se provides the claimed broadened area in the screw to allow it to support therefrom. Absent further description of the structure of the broadened area, it is contended that the screw does have broader sections along its length that allow it to support in the battery case.*

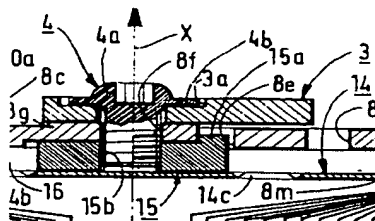


Concerning claims 7 and 15:

As illustrated above in **Figure 1**, only one screw is held at only one end (See FIGURE 1).

Concerning claims 8 and 10-11:

Either nut 20 or electrical connection member 3 serves as the contact board (See FIGURE 1). Moreover, as seen below feature 3 is divided into two sections, one section on the right and another section on the left (See Enlarged Portion of Figure 1 below). *Also, since at least electrical connection member 3 provides electrical connection therebetween, it can be reasonably argued that it is an electronic component. Unless the present claims provide further structural description of the specific contact board and/or contact connections, it is contended that the cited members meet the claimed structural requirement.*



Thus, the present claims are anticipated.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Alejandro whose telephone number is (571) 272-1282. The examiner can normally be reached on Monday-Thursday (8:00 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond Alejandro
Primary Examiner
Art Unit 1745



RAYMOND ALEJANDRO
PRIMARY EXAMINER